

3. Respondent denies the allegations contained in paragraphs 3-4 of the Findings of Facts, but for the purposes of this Consent Order acknowledges that sufficient evidence exists for the Board to make the following Findings of Fact:

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

2. Chuck S. G. Mangubat, M.D., is the holder of License No. 24330 for the practice of allopathic medicine in the State of Arizona.

3. On or about February 22, 1999, Patient W.V. sought treatment from Dr. Mangubat, who was her primary care physician, to follow up on hospital treatment she received earlier in the month for bleeding in the upper gastrointestinal tract secondary to gastritis, and to obtain refills for maintenance medications. Respondent alleges that he performed a physical examination of W.V. during that visit, and his medical records concerning that visit state that he performed a detailed physical examination of W.V. However, Respondent did not perform an adequate physical examination of W.V. during that visit.

4. On or about March 16, 1999, Patient W.V. again sought treatment from Dr. Mangubat concerning involuntary muscle twitching she was experiencing in her upper extremities, especially when trying to sleep. Respondent alleges that he performed a physical examination of W.V. during that visit, and his medical records concerning that visit state that he performed a detailed physical examination of W.V. However, Respondent did not perform an adequate physical examination of W.V. during that visit.

5. On or about August 27, 1999, during an investigative interview with the Board's investigator and medical consultant, Respondent stated that he had performed detailed physical examinations of the patient during the visits on or about February 22, 1999,

1 and March 16, 1999.

2 6. On or about October 10, 1999, in a written statement to the Board about the
3 allegations that had been made against him, Respondent stated that he had performed
4 detailed physical examinations of the patient during the visits on or about February 22, 1999,
5 and March 16, 1999.

6 CONCLUSIONS OF LAW

7 1. The Board possesses jurisdiction over the subject matter and over Respondent.

8 2. The conduct and circumstances described above constitute unprofessional
9 conduct pursuant to A.R.S. § 32-1401(25)(e)(failing or refusing to maintain adequate
10 records on a patient).

11 3. The conduct and circumstances described above constitute unprofessional
12 conduct pursuant to A.R.S. § 32-1401(25)(t)(knowingly making any false or fraudulent
13 statement, written or oral, in connection with the practice of medicine).

14 ORDER

15 Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS
16 ORDERED that Chuck S.G. Mangubat, M.D., the holder of License No. 24330 for the
17 practice allopathic medicine in the State of Arizona, shall be **PLACED ON PROBATION**
18 for a period of two (2) years subject to the following terms and conditions:

19 A. Respondent shall complete ten (10) hours of Board staff pre-approved,
20 category one continuing medical education (CME) in medical ethics, and ten (10)
21 hours of Board staff pre-approved, category one CME in maintaining patient medical
22 records. These 20 hours of CME credit shall be in addition to the minimum
23 statutorily mandated requirements for CME. Respondent shall provide documentary
24 proof to the Board staff that he has satisfactorily completed these additional 20 hours
25 of CME credits within six (6) months from the effective date of this Order;

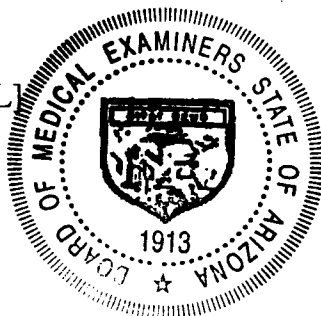
1 B. Respondent's patient medical records shall be subject to review by the
2 Board staff during the entire probationary period at dates and times set at the
3 discretion of the Board staff. Board staff shall report their findings to the Board. The
4 Board retains jurisdiction to take additional disciplinary action, including opening a
5 new investigation, based upon the results of the records review.

6 C. If Respondent leaves Arizona to reside or practice medicine outside the
7 State, Respondent shall notify the Executive Director in writing within ten (10) days
8 of both departure and return. If Respondent stops practicing medicine in Arizona for
9 any reason, Respondent shall notify the Executive Director in writing within ten (10)
10 days of both the beginning and ending dates of non-practice within Arizona. Non-
11 practice is defined as any period of time exceeding thirty (30) days during which
12 Respondent is not engaging in the practice of medicine. Periods of temporary or
13 permanent residence or practice outside Arizona, or of non-practice within Arizona,
14 shall not apply to the reduction of the probationary period.

15 DATED and effective this 30th day of April, 2001.

16 BOARD OF MEDICAL EXAMINERS
17 OF THE STATE OF ARIZONA

18 [SEAL]



19 By: Claudia Foltz
20 CLAUDIA FOLTZ
21 Executive Director

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23 ...

24 ...

1 Consent Agreement and Order.

2 5. Respondent understands that the foregoing Consent Order shall not become
3 effective unless and until adopted by the Board and signed by the Executive Director.

4 6. Respondent understands and agrees that if the Board does not adopt the
5 Consent Agreement and Order, he will not assert as a defense that the Board's consideration
6 of the Consent Agreement and Order constitutes bias, prejudice, prejudgment or other
7 similar defense.

8 7. Respondent understands that this Consent Agreement and Order are a public
9 record that may be publicly disseminated as a formal action of the Board, and shall be
10 reported as required by law to the National Practitioner Data Bank and the Healthcare
11 Integrity and Protection Data Bank.

12 8. Respondent understands that any violation of the foregoing Consent Order
13 constitutes unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r)(violating a formal
14 order, probation, consent agreement or stipulation issued or entered into by the board or its
15 executive director under the provisions of this chapter) and may result in disciplinary action
16 pursuant to A.R.S. § 32-1451.

17 DATED: 3-16-2001


18 CHUCK S.G. MANGUBAT, M.D.

1 ORIGINAL OF THE FOREGOING FILED
this 20th day of April, 2001, with:

2 Board of Medical Examiners
3 9545 E. Doubletree Ranch Road
4 Scottsdale, AZ 85258

5 EXECUTED COPY OF THE FOREGOING MAILED
this 20th day of April, 2001, to:

6 Chuck S.G. Mangubat, M.D.
7 2525 E. Arizona Biltmore Circle, #2
8 Phoenix, Arizona 85016
Respondent

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10 Laura A. Carpenter, Esq.
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14 Attorney for the State of Arizona

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16 *James A. Jones*
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